

Chapter 9.32**OFF-ROAD USE OF MOTOR VEHICLES****Sections:**

9.32.010	Scope.
9.32.020	Definitions.
9.32.030	Prohibited operations.
9.32.040	Permits.
9.32.050	Operation by permit.
9.32.060	Appeal.
9.32.070	Violations.
9.32.080	Separability.
9.32.090	Exemptions.

Section 9.32.010 Scope.

This Chapter is designed to regulate the operation of registered and unregistered motorcycles and motor-driven cycles by all persons, whether they possess a valid California Motor Vehicles operator's license or not, upon unimproved private property and upon all public property except highways, in the City; and to prohibit any motor vehicles on unimproved private property or unimproved public property without written permission of the owner thereof subject to certain specific exceptions. (Ord. 5320 § 2, 1985; Ord. 3802 § 1 (part), 1971; Ord. 3777 § 1 (part), 1970)

Section 9.32.020 Definitions.

Unless it is apparent from the context that another meaning is intended, the following words and phrases when used herein shall have the meaning ascribed to them by this section:

"Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" includes street.

"Mini-bike" means any motorcycle with a motor which produces not more than seven horsepower, with a maximum outside wheel height of twenty-one inches, and which has an exhaust system equipped with a muffler as defined by the California Vehicle Code and a spark arrester as defined in Section 4442 of the California Public Resources Code.

"Motorcycle" means any motor vehicle other than a tractor having a seat or saddle for the use of the rider and designated to travel on not more than three wheels in contact with the ground and weighing less than one thousand five hundred pounds.

"Motor-driven cycle" means any motorcycle, including every motor scooter, with a motor which produces not to exceed fifteen gross brake horsepower, and every bicycle with motor attached.

"Unimproved private property" means any parcel of land which either contains no structures or which is not surfaced with cement, concrete, asphaltic concrete, or other similar material, or which does not have a hard surface made up of a mixture of rock, sand or gravel bound together with a chemical or mineral substance other than natural soil.

"Unimproved public property" means any parcel of land owned by a public entity which either contains no structures or which is not surfaced with cement, concrete, asphaltic concrete, or other similar material, or which does not have a hard surface made up of a mixture of rock, sand or gravel bound together with a chemical or mineral substance other than natural soil. (Ord. 5320 § 3, 1985; Ord. 3834 § 1, 1971; Ord. 3802 § 1 (part), 1971; Ord. 3777 § 1 (part),

1970)

Section 9.32.030 Prohibited operations.

A. No person shall drive a motor vehicle on any unimproved private property belonging to or occupied by another or upon any unimproved public property without having in his or her immediate possession and, upon request of a peace officer, displaying written permission to be on such lands from the owner thereof, from the owner's agent, or from the person in lawful possession thereof; but this subsection shall not apply to a person having lawful business with the owner.

B. No person shall park a motor vehicle on any unimproved private property belonging to or occupied by another or upon any unimproved public property without displaying in such a manner as to be seen through the front windshield by any person outside of such vehicle, written permission to be on such lands from the owner thereof, from the owner's agent, or from the person in lawful possession; but this subsection shall not apply to a person having lawful business with the owner.

C. No person shall operate a motorcycle or motor-driven cycle other than a publicly owned motorcycle or motor-driven cycle, upon any public or recreational area or upon any other publicly owned property, except highways, within the City. This shall not be construed to prohibit the operation of a motorcycle or motor-driven cycle having a valid California vehicle registration by any person possessing a valid California operator's license upon the public highways in the City.

D. In addition to the requirements of Subsections A and B of this section, no person shall operate a motorcycle or motor-driven cycle, other than a publicly owned motorcycle or motor-driven cycle, upon any unimproved private property within the City, except as set forth in Section 9.32.040. (Ord. 5320 § 4, 1985; Ord. 3802 § 1 (part), 1971; Ord. 3777 § 1 (part), 1970)

Section 9.32.040 Permits.

Any person desiring to operate a motorcycle or motor-driven cycle, and any owner of private property desiring to allow a person or persons to operate a motorcycle or motor-driven cycle on said person's private property may do so upon first obtaining a permit from the Chief of Police of the City. Permits shall be issued upon determination of the Chief of Police that the owner or owners of said real property concerned, or the person or persons in lawful possession thereof, have consented in writing to the proposed operation, and that the proposed operation will not create any undue fire hazard by reasons of the nature of the vehicle and its proposed operation or by reason of the nature of the property concerned, and that such operation is of sufficient distance from occupied residences, churches, assembly halls or schools as to likely not constitute a noise, dust or fumes nuisance. (Ord. 5320 § 5, 1985; Ord. 3802 § 1 (part), 1971; Ord. 3777 § 1 (part), 1970)

Section 9.32.050 Operation by permit.

The operation of any motorcycle or motor-driven cycle on unimproved private property by authority of a permit issued in accordance with the provisions of Section 9.32.040 shall be limited to the hours commencing one-half hour after sunrise and ending one-half hour after sunset. The operation of said vehicles shall not be permitted nearer than two thousand feet to any residential structure, church, assembly hall or school. Each permit so issued shall specify the area or areas of permitted operation. The permit shall be displayed on the vehicle at all times and shall be presented to any peace officer on request. The permit is not, and shall so state on its face, an expression by the City that such proposed operation can be done with safety to the operator or other persons or property, all of which said risks are assumed by the permittee or property owners. (Ord. 3802 § 1 (part), 1971; Ord. 3777 § 1 (part), 1970)

Section 9.32.060 Appeal.

Any person whose application for a permit under Section 9.32.040 is denied may appeal such decision to the City Council by filing a written notice of appeal within ten days after notification by the Chief of Police that said permit has been denied. The City Council shall thereupon conduct a hearing on said appeal within thirty days from the date of filing said notice of appeal with the City Clerk. The decision of the City Council shall be final and conclusive upon all persons concerned. (Ord. 5320 § 6, 1985; Ord. 3802 § 1 (part), 1971; Ord. 3777 § 1 (part), 1970)

Section 9.32.070 Violations.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 3802 § 1 (part), 1971; Ord. 3777 § 1 (part), 1970)

Section 9.32.080 Separability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 3802 § 1 (part), 1971; Ord. 3777 § 1 (part), 1970)

Section 9.32.090 Exemptions.

A. The provisions of this chapter shall not apply on public or private lands expressly set apart for the use of motor vehicles by or with the permission of the owner of such lands pursuant to any zoning permit or other permit or licensing procedure authorized by law.

B. The requirements of Section 9.32.040 of this chapter shall not apply to mini-bikes as defined herein.

C. The provisions of this chapter shall not apply to the use of farm vehicles for agricultural purposes, vehicles being used for grading or construction purposes, vehicles being used for governmental purposes, or golf carts being used on golf courses.

D. The provisions of this chapter shall not apply upon any public highway, street, road or alley within the City. (Ord. 5320 § 7, 1985; Ord. 3834 § 2, 1971; Ord. 3802 § 1 (part), 1971; Ord. 3796 § 1, 1971; Ord. 3777 § 1 (part), 1970)